

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 CASE NUMBER: 9:03-cv-81110-CIV-HURLEY/HOPKINS
4

5 MAUREEN STEVENS, as Personal
6 Representative of the Estate of
7 ROBERT STEVENS, Deceased, and
8 on behalf of MAUREEN STEVENS,
9 Individually, NICHOLAS STEVENS,
10 HEIDI HOGAN and CASEY STEVENS,
11 Survivors

12 Plaintiffs

13 vs.

14 UNITED STATES OF AMERICA

15 Defendant

16 _____/

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18 The Videotaped deposition of SUSAN WELKOS,
19 Ph.D. was held on Wednesday, November 3, 2010,
20 commencing at 10:28 a.m., at the U.S. Department of
21 Justice, Environmental Torts Section, Torts Branch,
22 Civil Division, 1331 Pennsylvania Avenue, N.W., Room
23 8021S, Washington, D.C. 20004, before George W. Tudor,
24 Notary Public.

25 REPORTED BY: George W. Tudor

**U.S. EXHIBIT
PC-13**

1 Department of Justice, for the United States.

2 MR. WELLONS: Paul Wellons, FBI Office of
3 General Counsel.

4 MR. MILLER: Jeffrey B. Miller, for Fort
5 Detrick, Maryland.

6 THE VIDEOGRAPHER: Will the court reporter
7 please swear in the witness?

8 Whereupon,

9 SUSAN WELKOS, Ph.D.,
10 called as a witness, having been first duly sworn to
11 tell the truth, the whole truth, and nothing but the
12 truth, was examined and testified as follows:

13 EXAMINATION BY MR. SCHULER:

14 Q Would you state your name, please?

15 A Susan Welkos.

16 Q What is your address, Dr. Welkos?

17 A Home address?

18 Q Yes, please.

19 A [REDACTED],

20 [REDACTED].

21 Q And what is your date of birth?

22 A [REDACTED].

23 Q Dr. Welkos, you probably heard off the
24 record that my name is Richard Schuler, and I represent
25 the family of Robert Stevens, the first victim of the

1 A To a certain extent. I don't believe most
2 of it has been published, but the people, I'm sure,
3 that were asked to assist with that are competent
4 individuals. I have no reason to believe that it
5 wouldn't be however they categorized it as.

6 Q Okay. And that's -- you anticipated sort
7 of my next question. My next question is, did you,
8 yourself, review the scientific developments and have
9 any opinions on the accuracy or inaccuracy of them?

10 A Again, I haven't gone into any of that
11 detail and I don't believe most of it has been released
12 yet in publication form.

13 Q Now, in your work with anthrax, did you
14 ever make anthrax spores?

15 A Yes.

16 Q And what is the process for doing that?

17 A Well, we just -- we grow them up in a
18 liquid culture using vegetative organisms, which are
19 before they sporulate, until they produce spores.

20 This is the form that's the infectious
21 form, so it's what we -- we prepare in order to do
22 studies on protection against -- against the anthrax
23 with new vaccines we have made or new treatments, so we
24 prepare these challenge -- what we call challenge
25 inocula, small volumes, a liquid culture that we purify

1 and count and use for this type of testing and
2 evaluation studies.

3 Q Okay. So you grow anthrax spores in a
4 liquid culture?

5 A Yes.

6 Q And then that's something that Dr. Ivins
7 was well-schooled in doing, correct?

8 A Yes.

9 Q And once you have the spores, do you ever
10 try and purify them?

11 A Well, they're run through a -- what's
12 called a gradient to try to remove the dead, vegetative
13 cells, which are the things that grow up and release
14 the spores, because we want to have a good, pure spore
15 prep that we can count and know how much we are giving
16 to an animal, for instance. So we purify them in that
17 manner.

18 Q When you say run them through a gradient --

19 A It's a liquid material.

20 Q Is that something like an organic solvent?

21 A It's like a density. It varies in density
22 so that the spores will layer at one point and the rest
23 of the dead cells in another, and you can take off the
24 spore layer. It's run in a liquid medium in a
25 centrifuge.

1 Q And once there is purification in terms of,
2 quote, unquote, "weaponizing" the anthrax, that would
3 -- it have to be made into a powder after that,
4 correct?

5 A I guess. It's not something I have ever --
6 would have any experience in. I would assume a powder.

7 Q That's not something you have ever done?

8 A No, we don't make powders out of anything.
9 Ours are all liquid stocks, all of our organisms.

10 Q With respect to making the anthrax,
11 purifying the anthrax into a powder, has anybody else,
12 to your knowledge, working at USAMRIID ever attempted
13 to do that?

14 A Not at our institute.

15 Q Do you know the type of equipment that
16 would be required to do that?

17 A Some kind of drying equipment.

18 Q Is it a lyophilizer?

19 A I guess it might -- certain types of
20 lyophilizers -- lyophilizers, I guess, would be used.
21 It would have to be something under some kind of very
22 rigid containment conditions so that you don't produce
23 an aerosol. We had nothing like that.

24 Q And when you say you had nothing like that,
25 what are you referring to?

1 A We don't have any way to produce the
2 massive amount of material that would have been
3 necessary to grow up and dry in a way that wouldn't
4 have killed everybody in the institute. We don't work
5 with powders, just liquids, and in relatively small
6 volumes. We don't have the expertise to -- to scale up
7 and manufacture some kind of powder.

8 Q Do you know whether Dr. Ivins had that
9 expertise?

10 A No. I don't believe he did.

11 Q Do you think that Dr. Ivins was the anthrax
12 mailer?

13 A I think there is no data one way or the
14 other. There is no data on the individual. There is
15 some scientific data on the material, but I haven't
16 seen where there is any direct data on it in terms of
17 who, what and where and -- so I really can't comment.
18 I don't know who did it.

19 Q So from your perspective, you said, I
20 think, earlier, you really don't doubt the science that
21 traced it back to a certain point, namely the flask of
22 RMR 1029 that apparently Dr. Ivins had in his area, but
23 you haven't seen any data linking the person who
24 actually may have taken that or weaponized it or
25 anything like that. Is that fair to say?

1 District of Columbia, to wit:

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3 I, George W. Tudor, a Notary Public of the
4 District of Columbia, do hereby certify that the
5 within-named proceedings took place before me at the
6 time and place herein set out.

7 I further certify that the proceedings were
8 recorded stenographically by me and this transcript is
9 a true record of the proceedings.

10 I further certify that I am not of counsel
11 to any of the parties, nor an employee of counsel, nor
12 related to any of the parties, nor in any way
13 interested in the outcome of this action.

14 As witnessed my hand and notarial seal this
15 15th day of November, 2010.

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George W. Tudor

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Notary Public

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24 My Commission Expires:

25 January 1, 2016